

FOR UTILITY/DESIGN
CIP/PCT NATIONAL/PLANT
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL
DECLARATIONS

RULE 63 (37 C.F.R. 1.53)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED LIGHT EMITTING DEVICE

the specification of which (CHECK applicable BOX(ES))

X A. ☐ is attached hereto.
BOX(ES) → B. ☒ was filed on June 4, 2001 as U.S. Application No. / on
→ C. ☐ was filed as PCT International Application No. PCT/ / on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)
Number 2000-165864 Country JAPAN

Day/MONTH/Year Filed
June 2, 2000

Date first Laid-
open or Published

Date Patented
or Granted

Priority NOT Claimed

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)
Application No. (series code/serial no.) Day/MONTH/Year Filed

Status
pending, abandoned, patented

Priority NOT Claimed

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (202) 861-3000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or an attorney of that Firm in writing to the contrary.

00909

00909

USE ONLY FOR
PILLSBURY WINTHROP

(1) INVENTOR'S SIGNATURE: Yoshinobu Suehiro Date: June 11, 2001

Name	Yoshinobu	Suehiro
First	Middle Initial	Family Name
Residence	Aichi-ken	Japan
City	State/Foreign Country	Country of Citizenship
Mailing Address	c/o TOYODA GOSEI CO., LTD., 1 Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564, Japan	
(include Zip Code)		

(2) INVENTOR'S SIGNATURE: Yuji Takahashi Date: June 11, 2001

Name	Yuji	Takahashi
First	Middle Initial	Family Name
Residence	Aichi-ken	Japan
City	State/Foreign Country	Country of Citizenship
Mailing Address	c/o TOYODA GOSEI CO., LTD., 1 Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564, Japan	
(include Zip Code)		

- ☐ FOR ADDITIONAL INVENTORS see attached page.
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. P

(M#)

DECLARATION AND POWER OF ATTORNEY

(continued)

ADDITIONAL INVENTORS

Date: June 11, 2001

(3) INVENTOR'S SIGNATURE: *Hideaki Kato*

Hideaki		Kato	
First		Middle Initial	
Japan		Family Name	
Japanese		Residence	
Aichi-ken		State/Foreign Country	
City		Country of Citizenship	
Post Office Address		c/o TOYODA GOSEI CO., LTD., 1 Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564, Japan	
(include Zip Code)			

Date: June 11, 2001

(4) INVENTOR'S SIGNATURE: *Koichi Kaga*

Koichi		Kaga	
First		Middle Initial	
Japan		Family Name	
Japanese		Residence	
Aichi-ken		State/Foreign Country	
City		Country of Citizenship	
Post Office Address		c/o TOYODA GOSEI CO., LTD., 1 Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564, Japan	
(include Zip Code)			

Date: June 11, 2001

(5) INVENTOR'S SIGNATURE: *Kiyotaka Teshima*

Kiyotaka		Teshima	
First		Middle Initial	
Japan		Family Name	
Japanese		Residence	
Tokyo		State/Foreign Country	
City		Country of Citizenship	
Post Office Address		c/o KOHA Co., Ltd, 4-26-11 Higashi Oizumi, Nerimaku, Tokyo 178-0063, Japan	
(include Zip Code)			

Date: June 11, 2001

(6) INVENTOR'S SIGNATURE: *Shunsuke Ohtsuka*

Shunsuke		Ohtsuka	
First		Middle Initial	
Japan		Family Name	
Japanese		Residence	
Tokyo		State/Foreign Country	
City		Country of Citizenship	
Post Office Address		c/o KOHA Co., Ltd, 4-26-11 Higashi Oizumi, Nerimaku, Tokyo 178-0063, Japan	
(include Zip Code)			

Date:

(7) INVENTOR'S SIGNATURE:

First		Middle Initial	
		Family Name	
		Japanese	
Residence		Tokyo	
City		State/Foreign Country	
		Country of Citizenship	
Post Office Address			
(include Zip Code)			

Date:

(8) INVENTOR'S SIGNATURE:

First		Middle Initial	
		Family Name	
		Japanese	
Residence		Tokyo	
City		State/Foreign Country	
		Country of Citizenship	
Post Office Address			
(include Zip Code)			

Date:

(9) INVENTOR'S SIGNATURE:

First		Middle Initial	
		Family Name	
		Japanese	
Residence		Tokyo	
City		State/Foreign Country	
		Country of Citizenship	
Post Office Address			
(include Zip Code)			

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)
PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE

- (a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

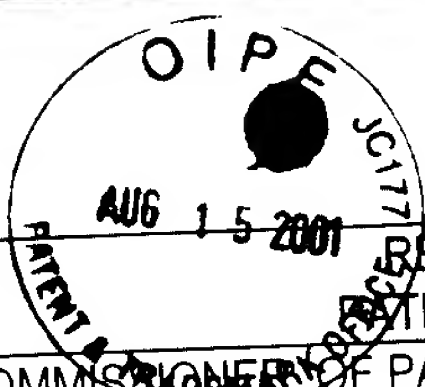
§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

* Six months for Design Applications (35 U.S.C. 172).

BOX ASSIGNMENTS

DO NOT USE FOR TRADEMARKS

RECORDATION FORM COVER SHEET
PATENT APPLICATIONS & PATENTS ONLYTO THE ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS:
SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. Yoshinobu SUEHIRO
3. Hideaki KATO
5. Kiyotaka TESHIMA
7.2. Yuji TAKAHASHI
4. Koichi KAGA
6. Shunsuke OHTSUKA
8.ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED? ☐ YES ☒ NO

2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: TOYODA GOSEI CO., LTD.

ADDRESS: 1, Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564 JAPAN and KOHA Co., Ltd., 4-26-11 Higashi Oizumi, Nerimaku, Tokyo 178-0063 JAPAN

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED? ☐ YES ☒ NO

3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)☐ ASSIGNMENT OF ☒ WHOLE ☐ PART INTEREST
☐ ORIGINAL ☐ FACSIMILE/PHOTOCOPY
☐ CHANGE OF NAME ☐ VERIFIED TRANSLATION
☐ SECURITY ☐ MERGER ☐ OTHER:

EXEC. DATE: June 11, 2001

EXECUTION DATE(S) ON THE DECLARATION IF FILED HEREWITH: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!) June 11, 2001

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached? ☐ YES ☒ NO

A. PAT. APP. NO.(S) series code/serial no	M#	1 st INVENTOR if not in item 1	B. PATENT NO(S)	M#	1 st INVENTOR if not in item 1
09/871,699	280301				
5. Name & Address of Party to Whom Correspondence Concerning Document Should be Mailed: Pillsbury Winthrop LLP Intellectual Property Group 1600 Tysons Boulevard McLean, VA 22102			6. NUMBER INVOLVED: APPLNS <u>1</u> + PATS <u>0</u> = TOTAL <u>1</u>		
5.5 ATTY DKT: P 280301			7. AMOUNT OF FEE ENCLOSED: (Code 581) ABOVE TOTAL x \$40 = \$40		
MATTER NO.			8. IF ABOVE FEE IS MISSING OR INADEQUATE CHARGE INSUFFICIENCY TO DEPOSIT ACCOUNT NUMBER: 03-3975		
CLIENT REF. PTGF-01074			UNDER ORDER NO 35206		
			dup. sheet not required		
			CLIENT NO. 280301		
			MATTER NO.		

9.

Signature

Attorney: John P. Darling

Reg. No. 44,482

Atty/Sec: JPD/JMS/rdt

TEL: (703) 905-2126

Date: August 14, 2001

FAX: (703) 905-2500

10. Total number of pages including this
cover sheet, attachments and document
(do not file dup. Cover sheet)

2

FILE WITH PTO RETURN RECEIPT (PAT-103A)

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Intellectual Property Group

USA Patent Appln.
Sole or Joint

For Inventions made outside USA
executed with or after application

Atty. Dkt. P

M#

PTGF-01074

Client Ref.

NONPROVISIONAL

ASSIGNMENT
OF NONPROVISIONAL APPLICATION

NONPROVISIONAL

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to each of the undersigned, to wit:

INSERT
NAME(S) OF
INVENTOR(S)

(1) Yoshinobu Suehiro
(3) Hideaki Kato
(5) Kiyotaka Teshima

(2) Yuji Takahashi
(4) Koichi Kaga
(6) Shunsuke Ohtsuka

the receipt and sufficiency of which are hereby acknowledged by the undersigned who at the request of, hereby sell(s), assign(s) and transfer(s) unto:

INSERT
NAME(S) OF
ASSIGNEE(S)
& ADDRESS(ES)

TOYODA GOSEI CO., LTD.,

1, Nagahata, Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564, Japan

and

KOHA Co., Ltd,

4-26-11 Higashi Oizumi, Nerimaku, Tokyo 178-0063, Japan

(hereinafter designated "ASSIGNEE") the entire right, title and interest for the United States of America as defined in 35 U.S.C. 100, in the invention and all applications including any and all divisions, continuations, substitutes, and reissues thereof; and all resulting patents, known as

TITLE OF
INVENTION

LIGHT EMITTING DEVICE

for which the undersigned executed an application for Letters Patents of the United States of America:

NOTE → →

(Complete

line A, B and/or C)

(A) ☐ even date herewith

(B) ☐ on

(C) ☒ in U.S. Appln. No.

filed on June 4, 2001

AND the undersigned hereby authorize(s) and request(s) the United States Commissioner of Patents and Trademarks to issue said Letters Patent to the said ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives; the undersigned agree(s) that the attorney of record in said application shall hereinafter act on behalf of said ASSIGNEE;

AND the undersigned hereby agree(s) to testify and execute any papers for ASSIGNEE, its successors, assigns and legal representatives, deemed essential by ASSIGNEE to ASSIGNEE'S full protection and title in and to the invention hereby transferred.

NOTE → → The undersigned hereby authorize(s) Pillsbury Winthrop LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

INVENTORS

1):

Name:

Yoshinobu Suehiro

Yoshinobu Suehiro

2):

Name:

Yuji Takahashi

Yuji Takahashi

3):

Name:

Hideaki Kato

Hideaki Kato

4) Name:

Koichi Kaga

Koichi Kaga

5) Name:

Kiyotaka Teshima

Kiyotaka Teshima

6) Name:

Shunsuke Ohtsuka

Shunsuke Ohtsuka

DATE SIGNED

June 11, 2001

June 11, 2001

June 11, 2001

June 11, 2001

June 11, 2001

June 11, 2001

WITNESSES

Tadamasa Yokomichi

Tadamasa Yokomichi

Tadamasa Yokomichi

Tadamasa Yokomichi

Yukio Yoshikawa

Yukio Yoshikawa